

OCT 09 2006

## FACSIMILE TRANSMISSION

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DATE: October 9, 2006

## TO:

NAME	COMPANY	FAX NO.	PHONE NO.
Commissioner for Patents	USPTO	571-273-8300	

FROM: Rudolf O. Siegesmund

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FILE NO.: RSW920040009US1	NUMBER OF PAGES, INCLUDING COVER: 10
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## MESSAGE:

Re: Response to Office Action dated August 9, 2006

Attached are the following:

- a. Response to Office Action dated 8/9/06; and
- b. Transmittal Form

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PTO/SB/21 (09-04)

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/790,968
Filing Date	03/02/2004
First Named Inventor	Kaminsky
Art Unit	2617
Examiner Name	Manoharan
Attorney Docket Number	RSW920040009US1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm Name	Gordon & Rees, LLP
Signature	<i>Rudolf O. Siegesmund</i>
Printed name	Rudolf O. Siegesmund
Date	October 9, 2006
	Reg. No. 37,720

## CERTIFICATE OF TRANSMISSION/MAILING

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Signature	<i>Rudolf O. Siegesmund</i>		
Typed or printed name	Rudolf O. Siegesmund	Date	October 9, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Serial No. 10/790,968  
Attorney Docket No. RS@W92004009US1  
Response to Office Action mailed 2/23/2006

OCT 09 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application: 10/790,968  
Filing Date: 03/02/2004  
Art Unit: 2686

Applicant: Kaminsky  
Docket: RSW920040009US1  
Title: Environmentally Driven Phone Behavior

**AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This correspondence is responsive to the communication from the Examiner mailed 08/09/2006. The following table itemizes the papers that comprise the Applicant's response:

I. Claim Amendments.....	2
II. Remarks.....	8

Please amend the application identified above in accordance with the listing that follows the remarks.

As amended, the Applicant submits that the claims of the present application are not fairly taught by any of the references of record, taken either alone or in combination. Therefore, allowance of the present application is in order, and is requested.